

BILL NO. Z-76-07-13

ZONING MAP ORDINANCE NO. Z-Leest

AN ORDINANCE amending the City
of Fort Wayne Zoning Map No. AA-4

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-A District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836 and amendments thereof;
and the symbols of the City of Fort Wayne Zoning Map No. AA-4,
referred to therein, established by Section 9, Article III
of said Chapter as amended, are hereby changed accordingly,
to-wit:

The North 7 feet of Lot No. 2 and all of
Lot No. 3 in Haller's Addition, commonly
known as 3201 Fairfield Avenue, generally
located on the southeast corner of Kinnaird
Avenue and Fairfield Avenue.

SECTION 2. This Ordinance shall be in full force
and effect from and after its passage, approval by the Mayor
and legal publication thereof.


Councilman

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 7-13-76

Charles W. Titusman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, placed on its passage.

~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>0</u>	<u>9</u>			
BURNS		<u>✓</u>			
HINGA		<u>✓</u>			
HUNTER		<u>✓</u>			
MOSES		<u>✓</u>			
NUCKOLS		<u>✓</u>			
SCHMIDT, D.		<u>✓</u>			
SCHIMDT, V.		<u>✓</u>			
STIER		<u>✓</u>			
TALARICO		<u>✓</u>			

DATE: 9-14-76

Charles W. Titusman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST: (SEAL)

Charles W. Titusman
CITY CLERK

Charles W. Titusman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Titusman
CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Titusman
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-07-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

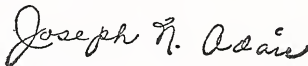
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
24th day of August, 1976.



Joseph N. Adair
Secretary

Bill No. Z-76-07-13

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. AA-4

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance passed PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

DATE 9-14-76 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date June 30 76 No. 6813.

Received From

Robert Henschel

Address

3201 FairfieldFifty dollarsDollars 50⁰⁰

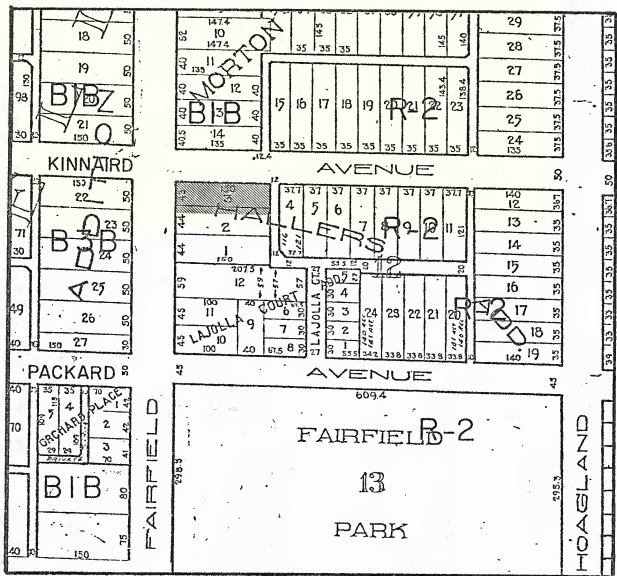
For

reopening petition
for 3201 Fairfield

ACCOUNT		HOW PAID		
AMT. OF ACCOUNT	<u>50</u> —	CASH		
AMT. PAID	<u>50</u> —	CHECK	<u>#680</u>	
BALANCE DUE		MONEY ORDER		

By

puCITY PLAN COMMISSION
FORT WAYNE, INDIANA



 To be changed from R-2 to B-1-A

6-16-76

AA-4

LS.

2-76-07-13

N

TO: . COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/we ROBERT H. HENSCHEN
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from ~~an~~ R-2 district to ~~an~~ B1A district the property described as follows:

3201 FAIRFIELD N T' OF LOT 2 + ALL OF LOT 3
HAUER'S ADDITION

(Legal Description)

(General Description for Planning Staff Use Only)

I/we, the undersigned, certify that I am/~~we~~ are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

SUBJECT TO CLOSING IN APPROXIMATELY 30 DAYS

ROBERT H. HENSCHEN

1209 LUSLEY PLACE

Robert H. Henschen

(Name)

(Address)

(Signature)

Legal Description Checked By: _____
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

(Name)

(Address)

(Telephone Number)

Z-76-07-13

August 16, 1976

TO: City of Fort Wayne Plan Commission

FROM: Neighboring Residents

RE: Proposed Zoning Change from R-2 to B1A at 3201 Fairfield Ave.

We the neighboring residents to 3201 Fairfield Ave. who have signed the attached petition, oppose the proposed change in zoning of this property from R2 to B1A for the following reasons:

- 1)The proposed change would be incompatible with the present surrounding land use which is residential in nature.
- 2)The possible uses of the requested zoning change would be detrimental to the surrounding neighborhood.
- 3)The proposed change would constitute spot zoning.
- 4)The parking facilities for the requested use would be inadequate. At present only 2½ spaces of off street parking are on the property. Additional parking would require curb cuts on Kinniard and extensive construction. Also the existing parking situation is inadequate due to residential parking, Lutheran Hospital parking, and parking for the commercial establishments on Fairfield Ave.
- 5)The additional traffic resulting from the proposed change would cause further traffic congestion in the area.
- 6)A precedent has been set when in May 1975 the Plan Commission rejected a similiar change of use request.
- 7)The highest and best use of this property is that of a residential dwelling.

In view of the above objections, we the residents of the area do not feel the requested change to be in the best interest of our neighborhood and we oppose the change.

We the close by neighbors of
the property @ 320 Fairfield Ave
do hereby register our opposition
to the rezoning of this property from
R2 to B1A.

(16)

Robert W. Gervers	448 Kinnaird Av.	8-8-76
Mrs. Robert Gervers	448 Kinnaird Av.	8-8-76
Earl Bunch	3126 Hoagland	8-10-76
Elvin Bunch	3126 Hoagland	8-10-76
Judith & Becker	3124 Hoagland Ave	8-10-76
Joe Keller	3106 Hoagland	8-10-76
Phyllis Keller	3106 Hoagland	8-10-76
Phyllis Smith	3110 Hoagland	8-11-76
Don Johnson	3121 Hoagland	8-12-76
Peter M. Scott	3114 Hoagland	12 AUGUST 1976
William J. Scott	3114 Hoagland	Aug 15-76
William J. Scott	3114 Hoagland	Aug 15-76
Helem Anweiler	454 Kinnaird	Aug 15-76
Cathy Carpenter	413 Kinnaird	Aug 15-76
B. Cameron Smearing	3130 Hoagland	Aug 15-76
Charlotte Smearing	3130 Hoagland	Aug 15-76
Joseph E. Beebe	3124 Hoagland Ave	Aug 15-76

We the close by neighbors of
 the property @ 3201 Fairfield Ave
 do hereby register our opposition to
 the rezoning of the property from RL
 to B1A.

(20)

1. Rodney J. Brannon 4413 Kinnaird 8-9-76
- Deborah H. Brannon 443 Kinnaird 8-9-76
- ~~Willis Brannon 4825 S. Hays~~
- Domin Deel 3209 1/2 Fairfield 8-9-76
5. Tracy Goodman 3209 Fairfield 8-9-76
- John A. Duff 3209 Fairfield 8-9-76
- V. J. Meckstroth 440 Kinnaird 8-9-76
- Jim Axman 446 Kinnaird 8-9-76
- Theodora M. Axman 446 Kinnaird 8/9/76
10. Kathy Kaufmann 435 Kinnaird 8/9/76
- Kenny Kaufmann 435 Kinnaird 8/9/76
- Lynn Rogers 3205 Fairfield 8/10/76
- Will Rogers 3205 Fairfield 8/10/76
- Raeann Roberts 433 Kinnaird 8/10/76
15. William M. Roberts 433 KINNAIRD AVE 8/10/76
- Stephen M. Rhodes 436 Kinnaird Ave 8-10-76
- Mrs. J. M. Rhodes 436 Kinnaird Ave 8-10-76
- K. E. Hurne 415 Englewood Ct. 8/10/76
- Chris Sauer 3919 Wauwatosa Dr. 8-10-76
20. Kirk Larson 4845 Calumet Ave 8-11-76
- Paula Newman 4845 Calumet Ave 8-12-76

We the Close by Residents to
3201 Fairfield Ave request that
this property be not rezoned from
R-2 to B1A.

(19)

NAME	ADDRESS	DATE
Patty L. Langelut	423 W. Wildwood	8-11-76
Alfred Ekeweg	417 W. Wildwood	8-21-76
Eleanor Rebeckey	417 W. Wildwood Ave	8-21-76
Eleanor Jones	427 W. Wildwood Ave	8-11-76
Rose Ann Cift	421 W. Wildwood Ave	8-11-76
Terry L. Cift	421 W. Wildwood Ave	8-11-76
Steve Dinkert	423 W. Wildwood Ave	8/11/76
Elsa Lashice	414 W. Wildwood	8/11/76
N. Helen Jackson	414 W. Wildwood	8/11/76
Robert Webb	415 W. Wildwood	8/11/76
Mrs. Martha Fair	428 W. Wildwood	8/11/76
Mrs. Diana Fair	428 W. Wildwood	8/11/76
Ronald H. Schaffer	420 W. Packard	8/15/76
Nancy E. Schaffer	420 W. Packard	8-15-76
David Lukas	447 W. Wildwood	8-15-76
Wm. A. Shearer	3316 S. Harrison St	8-15-76
Jewen Seely	3310 S. Webster	8-15-76
Zesis Milintis	3317 S. Webster St.	8-15-76
Dillman A. Peterson	420 NW Lane	8-16-76

AUGUST 16, 1976

TO: CITY PLAN COMMISSION
FROM: FAIRFIELD NEIGHBORHOOD ASSOCIATION
Re: THE REZONING FROM "R2" TO "B1A" OF THE PROPERTY LOCATED AT 3201
FAIRFIELD AVE. AS SPECIFIED IN BILL NO. Z 76-07-13.

The Fairfield Neighborhood Association boundaries are Pontiac Street on the north, Darrow Ave. and Violet Court on the south, Calhoun Street on the east, and Fairfield Ave. on the west. While the homes in our area are zoned as two family ("R2") and multi-family ("R3") residences; yet, of the 730 units in our entire neighborhood approximately seventy five percent (75%) of the units are used as single family ("R1") dwellings. Only forty eight or 6.6% of the units are business places. A summary of the land use survey of our neighborhood is attached to this letter.

Our families care about their environment and their quality of life and are very much concerned about the encroachment of a business dwelling in our area. Our neighbors might well become discouraged about the stability of our neighborhood and move away. This would be bad for our neighborhood. Furthermore, "B1A" zoning permits many undesirable uses for a family neighborhood. We don't want them.

We neighbors of the Fairfield Neighborhood Association feel very strongly that we should have a choice of residential densities, neighborhoods and housing types where the individual may develop a sense of identity and belonging, satisfy our physical and economic residential needs and live according to the life style of our choice.

We need coordinated action and programs which prevent, contain, and treat neighborhood blight in a systematic manner. Future development in our area should be planned rather than being allowed to continue in a scattered pattern.

We respectfully urge the Commission to deny the zoning request to change 3201 Fairfield Ave. from an "R2" into a "B1A" zone.

Sincerely

Officers of the Fairfield Neighborhood Association

Robert W. Gevers / mth
Robert W. Gevers, President

Jean Buuck
Mrs. Al (Jean) Buuck, Secretary

W. A. Rectanus
Wm. A. Rectanus, Vice-President

Judy Beeber
Mrs. Joe (Judy) Beeber, Treasurer

c.c. Mr. Win Moses

Summary of Land Use Survey

(Completed March 16, 1976)

Description	No.	%
Owner occupied and single family	455	62.3*
Owner occupied and one apartment	28	3.8
Rentals to single families only	95	13.1*
Duplexes	46	6.3
Business Places	48	6.6
Parking Lots	20	2.7
Public Places	10	1.4
Vacant Houses and/or Lots	28	3.8
Totals	730	100

* 62.3% plus 13.1% equals 75.4% single family dwellings

Re: Bill Z 76-07-13

SOUTH CENTRAL ALLIANCE OF NEIGHBORHOOD ASSOCIATIONS

TO: Board of Zoning Appeals

FROM: SOUTH CENTRAL ALLIANCE OF NEIGHBORHOOD ASSOCIATIONS

DATE: August 13, 1976

The South Central Alliance of Neighborhood Associations supports the Fairfield Association in their opposition to a zoning request. The Alliance voted August 9th to oppose a request to re-zone 3201 Fairfield from R-2 to B-1-A.

The Alliance agrees with the Fairfield Associations' feelings that a business at the aforementioned location would have a negative, rather than a positive, impact on the neighborhood.

Sincerely,



Jim Ogg
Chairman

South Central Alliance of
Neighborhood Associations



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1976



Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are addition remarks pertaining to the ordinance involved:

1. Bill No. Z-76-07-13
2. From "R2" to "B1A"
3. Intended use: Small gift shop and apartment
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. This block consists almost exclusively of residential uses permitted under the existing "R2" Zoning. The granting of this request would alter the residential character of the block. In addition, the increase in traffic contingent with the "B1A" rezoning would adversely affect several adjacent properties.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary Baeten (pr)

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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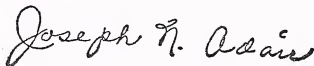
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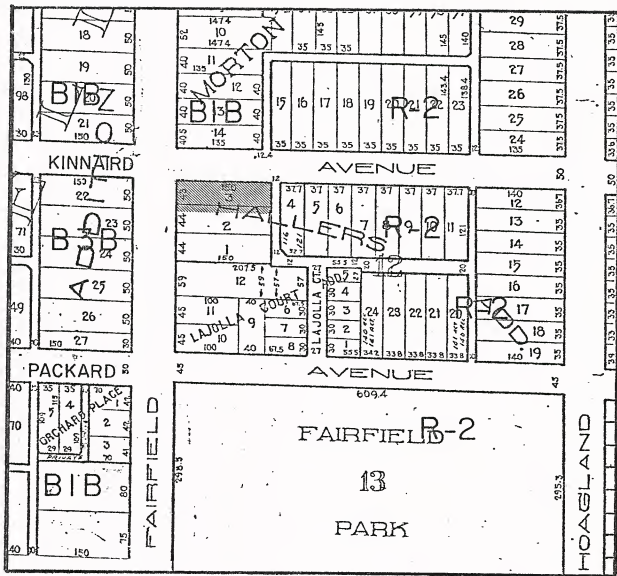
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This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
24th day of August, 1976.



Joseph N. Adair
Secretary



 To be changed from R-2 to B-1-A

6-16-76

AA-4

LS.

2-76-07-13

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-76-07-13

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the
following described property:

The North 7 feet of Lot # 2 and all of Lot # 3 Haller's Addition, commonly known
as 3201 Fairfield Avenue, generally located on the southeast corner of Kinnaird Avenue
and Fairfield Ave.

From "R2" to "B1A"

EFFECT OF PASSAGE Property is presently zoned an "R2" District - Two
family residential. Petitioners are requesting a "B1A" District - Limited Business.

EFFECT OF NON-PASSAGE PROPERTY WOULD REMAIN "R2"

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Regulation J. Miller